

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DESMOND DAVID-PITTS,

Defendant.

CASE NO. CR20-0143-JCC

ORDER

This matter comes before the Court on the parties' joint motion to continue trial (Dkt. No. 20). On September 9, 2020, Defendant was charged by indictment with arson. (Dkt. No. 15.) Trial is scheduled for November 9, 2020. (*See* Dkt. No. 19.) The parties now move to continue the trial based on the COVID-19 pandemic and Defendant's need for more time to prepare for trial. (Dkt. No. 20 at 2.)

Over the past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*) Recently, conditions have improved such that the Court can resume a limited number of in-person criminal jury trials.

Chief Judge Martinez has concluded that:

[F]or the foreseeable future, it will be possible to proceed with only one in-person criminal jury trial at a time at each of the district's two courthouses. The order in which pending criminal cases will proceed to trial will be determined by the Court in consultation with the Federal Public Defender's Office and the United States Attorney's Office.

W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2. In addition, Defendant requires additional time to review voluminous discovery materials and to contemplate the filing of pre-trial motions. (Dkt. No. 20 at 2.)

Accordingly, the Court CONTINUES trial to March 29, 2021. Further, the Court FINDS the ends of justice served by continuing trial to this date outweigh Defendant's and the public's interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

1. Taking into account the exercise of due diligence, a continuance is necessary to allow the defense the reasonable time for effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
2. The COVID-19 pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the community, which would likely make proceeding with an earlier trial impossible or, at a minimum, would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

Accordingly, the Court ORDERS:

1. Trial in this matter is CONTINUED to March 29, 2021.
2. The pretrial motions deadline is EXTENDED to February 8, 2021.
3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire, proposed jury instructions, and proposed verdict forms—must be submitted no later

1 than Monday, March 1, 2021.

- 2 4. The period from the date of this order until March 29, 2021, is an excludable time
3 period under 18 U.S.C. section 3161(h)(7)(A).

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5 DATED this 14th day of October 2020.

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9 John C. Coughenour
10 UNITED STATES DISTRICT JUDGE
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